

**OFFICE OF THE GOVERNOR**  
**BUDGET AND PROGRAM PLANNING**  
STATE OF MONTANA

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DATE: ~~May~~ 6, 2005

TO: Governor Schweitzer

FROM: David Ewer, Chairman, Interagency Revenue Sharing Negotiation Task Force

SUBJECT: Implementation of Task Force and Recommendations

**Implementation Progress**

The Executive Order was signed in February to: (1) provide a forum for discussing all current and any proposed new or modified Tribal Revenue Sharing Agreements before any new proposal or modifications are entered with the Tribal Nations, and (2) work with and report to the Governor's Office on any newly proposed or modified Tribal Revenue Sharing Agreements, or urgent precedent setting issues before any new agreements are entered into or modifications are adopted.

**Step 1: Inventory of all State and Tribal Activity – Over 250 Activities**

We are gathering a description of all the activities each Department, including the Attorney General's Office, is engaged in with each Tribal Nation. As of today, 228 Tribal Inventory Activity Sheets have been submitted and we expect an additional 30.

**Step 2: Broaden the Task Force Oversight - Set Guidance for All State/Tribal Activities**

With over 250 interactions with the Tribal Nations, the topics covered are varied, but there seems to be interrelationships among the different activities. For example, one Tribe would like to discuss a new revenue sharing agreement, while the State is having difficulty collecting money the Tribe owes the State on other activities. So the Task Force has broadened its perspective of doing government-to-government business with the Tribal Nations. With your approval, we are planning for this Task Force to provide guidance for **all** State/Tribal activities. The goal is to have a consistent oversight based on agreed principles and core values for working with Tribal Nations and to construct each activity in a manner that provides complimentary interrelations among the agreements and State/Tribe business.

### Step 3: Appoint a Co-Chair – Anna Whiting-Sorrell

I recommend that you appoint Anna Whiting-Sorrell as Co-Chair as she brings a unique combination of executive leadership and expertise in this area.

### Step 4: Appoint a Task Force Executive Council

Having an Executive Council primarily for planning purposes would be very helpful and I recommend the following membership:

David Ewer, Task Force Chairman  
Anna Whiting-Sorrell, Task Force Co-Chair  
Bruce Nelson, Chief of Staff  
Major Robinson, Economic Development  
Judy Paynter, Office of Budget and Program Planning  
Reno Charette – Attached as Advisory for Protocol and Relationships

The Executive Council would establish the framework for State/Tribal negotiations and agreements by defining expectations for State personnel in at least the following areas: values, principles, process, and training. The Council would ensure consistency and compliance with the overall vision and direction set by you as Governor, and ensure all state relations with a particular Tribe are considered and prioritized.

### Step 5: Establish four “Core” Task Forces – Department Directors Assigned to Each

Organizing State/Tribal activities under the following four broad “Core” tasks better assure efficient use of staff.

- ✓ Human Services – Anna Whiting-Sorrell, Chair
- ✓ Environment – Hal Harper, Chair
- ✓ Economic Development – Major Robinson, Chair
- ✓ Finance – David Ewer, Chair

Each Department Director involved with State/Tribal activities would be a Core Task force member. Reno Charette is also attached to each “Core” Task Force in an advisory capacity for protocol and relationships. This liaison is necessary given that negotiations will sometimes be difficult

### Step 6: Task Force Attorney - Charge Agencies for Cost

The Executive Order establishes that the Task Force shall have a lead attorney independent of the government agencies. The Task Force is exploring whether to contract for attorney services or hire an attorney. Excellent legal advice with knowledge on Indian law is crucial to the decisions made in the agreements. Therefore, we

propose to move forward as rapidly as possible to complete the process of obtaining legal services. We plan to charge the agencies with State/Tribal activities the cost of the legal services and to transfer an FTE from an agency to the Governor's Office if an attorney is added to staff.

### Recommendations

I recommend that you approve the following:

**Recommendation 1:** The Interagency Revenue Sharing Negotiation Task Force authority is extended to include all State/Tribal Activities (we should revise the name to reflect this change).

**Recommendation 2:** Anna Whiting-Sorrell is appointed co-chair of the Interagency Revenue Sharing Negotiations Task Force.

**Recommendation 3:** The following members be appointed to the Task Force Executive Council: David Ewer, Chair, Anna Whiting-Sorrell, Co-Chair, Bruce Nelson, Major Robinson, Judy Paynter. Reno Charette is attached to the Executive Council in an advisory position on protocol and relationships. Cory Johns is attached to the Executive Council for administrative support.

**Recommendation 4:** The Executive Council may establish "Core" Task Forces as the Executive Council deems appropriate and the Department Directors will participate on the "Core" Task Force using their Department resources as needed. The following would be standing committees as "Core Task Forces".

- ✓ Human Services – Anna Whiting-Sorrell, Chair
- ✓ Environment – Hal Harper, Chair
- ✓ Economic Development – Major Robinson, Chair
- ✓ Finance/Justice – David Ewer, Chair

**Recommendation 5:** The Task Force Executive Council shall proceed to obtain a lead attorney and may charge state agencies with State/Tribal activity for the cost related to the lead attorney.

  
Governor, State of Montana

May 6, 2005  
Date